

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED  
JAN 31 2006  
JOHN F. CORCORAN, CLERK  
BY [Signature] DEPUTY CLERK

MARTEZ COLEMAN,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

)  
) Civil Action No. 7:06CV00083  
)  
) FINAL ORDER  
)  
) By: Hon. Glen E. Conrad  
) United States District Judge

For the reasons stated in the accompanying memorandum opinion, it is now

**ORDERED**

that the petition for writ of habeas corpus filed by the petitioner, pursuant to 28 U.S.C. § 2241, is construed as a motion to vacate, set aside or correction sentence under 28 U.S.C. § 2255 and **DISMISSED** without prejudice as successive.

The Clerk shall strike the action from the active docket of the court and send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 31<sup>st</sup> day of January, 2006.

[Signature]  
United States District Judge